

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSEPH STANLEY PIGOTT,

Petitioner,

v.

RICHARD MORGAN,

Respondent.

CASE NO. C07-0599-JCC

ORDER

This matter comes before the Court on Petitioner's Notice of Appeal (Dkt. No. 58) regarding this Court's October 2, 2007 Order denying his petition for a writ of habeas corpus. (Dkt. No. 54.) Having considered Petitioner's briefing, and determined that oral argument is unnecessary, the Court hereby finds and rules as follows.

I. BACKGROUND

The parties are familiar with the factual and procedural history of this case, and therefore the Court will recount it here only as necessary to explain its analysis.

II. DISCUSSION

A. Standard of Review

Under the Antiterrorism and Effective Death Penalty Act ("AEDPA"), Petitioner must make an

1 application for a Certificate of Appealability (“COA”) in the District Court before the Court of Appeals
2 may act on his request for appellate review. 28 U.S.C. § 2253(c)(1)(A). If a motion for a COA is not
3 before the court, then the court may treat a notice of appeal as a motion for a COA. *United States v.*
4 *Asrar*, 116 F.3d 1268, 1270 (9th Cir. 1997). The Court may issue a COA only if Petitioner “has made a
5 substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). When, as here, the
6 district court bases its denial of habeas relief on the merits of constitutional claims, Petitioner “must
7 demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims
8 debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *see also Jennings v. Woodford*, 29
9 F.3d 1006, 1010 (9th Cir. 2002).

10 **B. Petitioner Has Offered No Argument**

11 Petitioner has failed to submit any argument on his own behalf. (*See* Pet’r Mot. (Dkt. No. 58).)
12 Furthermore, the Court does not discern any basis for finding that reasonable jurists could conclude that
13 the Court’s prior analysis was “debatable or wrong.” Consequently, Petitioner’s request for a COA must
14 fail.

15 **III. CONCLUSION**

16 For the foregoing reasons, Petitioner’s Notice of Appeal (Dkt. No. 58), construed as a Motion for
17 a Certificate of Appealability, is hereby DENIED.

18 SO ORDERED this 19th day of December, 2007.

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22 John C. Coughenour
23 United States District Judge
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